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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,644	11/06/2001	Kevin C. Hutton	GOLDENH.003A	9966

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EXAMINER	
LE, LINH GIANG	

ART UNIT	PAPER NUMBER
3686	

NOTIFICATION DATE	DELIVERY MODE
04/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/007,644	HUTTON ET AL.	
	Examiner	Art Unit	
	MICHELLE LE	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2009 (RCE w/Amdt)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *010609*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 January 2009 has been entered. Claims 1, 5, and 8 have been amended. Claims 1-15 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The claimed invention is directed to non-statutory subject matter. Claims 5-8 are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent- eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such a data gathering or outputting, is not sufficient to pass the test.

Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Independent claim 5 is directed towards a method of auditing demographic data. No particular machine or transformation that imposes meaningful limits is recited in the claim. No positive recitation of a particular machine is recited for doing the "collecting, applying, searching, retrieving and recording" steps of claim 5.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5-10, 12-14 are rejected under 35 U.S.C. 103(a) as being obvious by Sloane (5,911,132) in view of Fogel (6,543,905) and Aria (6,704,720).

6. As per claim 1, Sloane teaches a computerized integrated emergency medical transportation database system (Sloane; Abstract). The system comprises a medical emergency database configured to store clinical encounter information, patient demographic data, and transport information (Sloane; Col. 1, lines 48-59). Sloane does not expressly teach a demographic audit module in communication with the medical emergency database.

Sloane does not expressly teach the demographic audit module configured to determine whether sufficient patent demographic data exists in the medical emergency database and to search other databases in an attempt to obtain missing demographic information and retrieve at least a portion of the missing demographic information from at least one of the other databases. However, these features are well known in the art as evidenced by Fogel and Arai. In particular Fogel teaches determining the data integrity of data contained in healthcare databases (Fogel; Col. 5, line 25 to Col. 6, line 15). This includes determining if data is complete (reads on "determine whether there is sufficient data…") (Fogel; Col. 9, lines 60-63). Fogel also teaches a "Prospective Data Integrity Audit" in which a list of data integrity issues is generated with likely causes and suggested fixes (reads on "attempt to obtain missing information") (Fogel; Col. 9, lines 1-6). One of ordinary skill in the art would be motivated to vary these teachings in order

to audit data and ensure that a given set of data is valid (Fogel; Col. 5, lines 13-15). Aria teaches if a retrieved record has missing data then a systematic information retrieval can be executed to retrieve the missing data (Arai; Col. 4, lines 33-46). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

7. As per claim 2, Sloane does not expressly teach the demographic audit module is additionally configured to document one or more attempts to obtain any missing demographic information. However, this is an obvious variant of the Sloane teachings. Sloane does teach a daemon scanning the records looking for incomplete transactions and then sending an e-mail to obtain the missing information (Sloane; Col. 7, lines 65-67). It would have been obvious to vary this teaching of Sloane with the motivation of providing useful diagnostic information to physicians or other health care professionals (Sloane; Col. 1, line 65 to Col. 2, line 2).

8. As per claim 3, Sloane fails to teach the demographic audit module is additionally configured to apply modifiable data collection rules associated with a payer type to determine whether sufficient patient demographic data exists in the medical emergency database. However, these features are well known in the art as evidenced by Fogel. In

particular Fogel teaches determining the data integrity of data contained in healthcare databases (Fogel; Col. 5, line 25 to Col. 6, line 15). This includes determining if data is complete (reads on "determine whether there is sufficient data...") (Fogel; Col. 9, lines 60-63). One of ordinary skill in the art would be motivated to vary these teachings in order to audit data and ensure that a given set of data is valid (Fogel; Col. 5, lines 13-15).

9. As per claim 5, Sloane teaches a method of auditing demographic data in an integrated emergency medical transportation database system (Sloane; Col. 7, lines 60-64). Sloane teaches a method comprised of collecting at least clinical encounter information, patient demographic information and transport information into a medical emergency database (Sloane; Col. 1, lines 48-59) and recording attempts to obtain missing demographic information (Sloane; Col. 7, lines 65-67).

However, Sloane fails to teach applying a modifiable data collection rules associated with a payer type to determine whether sufficient patient demographic data exists in the medical emergency database. This is the same feature is recited in claim 3 and the reason for rejection is incorporated herein.

Sloane also fails to expressly teach retrieving at least a portion of the missing demographic information from at least one of the other databases. However, this is well known in the art as evidenced by Aria. Aria teaches if a retrieved record has missing data then a systematic information retrieval can be executed to retrieve the missing data

(Arai; Col. 4, lines 33-46). Since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. As per claim 6, Sloane discloses a method where in the other databases are located within the emergency medical transportation database system (Sloane; Col. 6 line 54).

11. As per claim 7, Sloane discloses a method wherein other databases are external to the emergency medical transportation database system and can be accessed via a network (Sloane; Col. 2 line 64 to Col. 3 line 16).

12. As per claim 8-9, Sloane in view of Fogel and Aria discloses an integrated emergency medical transportation database system having a data accuracy filter module with the same limitations and features as the demographic audit module as disclosed in claims 1-2 and 4 and the reasons for rejection are incorporated herein.

13. As per claim 10, the same feature of applying a data collection rule to determine whether sufficient data exists in the database is recited in claim 3 and the above reason for rejection is incorporated herein.

14. As per claims 12-14, Sloane does not expressly teach:

Wherein the patient demographic data comprises data specific to an insurance provider;

Wherein the patient demographic data is based at least in part on criteria specific to the type of transport, type of incident, or type of patient;

Wherein the transport information comprises information obtained about the transport after first contact by medical transport personnel.

However, these features are well known in the art as evidenced by Fogel. In particular, Fogel teaches a healthcare database containing various healthcare data for residents and patients (Fogel; Col. 5, lines 30-40). Fogel teaches checking data integrity issues related to Medicare or Medicaid reimbursement thus specific patient data is included. One of ordinary skill in the art would be motivated to vary these teachings in order to audit data and ensure that a given set of data is valid (Fogel; Col. 5, lines 13-15).

15. Claims 4, 11, 15 are rejected under 35 U.S.C. 103(a) as being obvious by Sloane (5,911,132) in view Fogel (6,542,905) and Aria (6,704,720) in further view of Kessler (2001/0034618).

16. As per claim 4, Sloane does not expressly teach the system additionally comprised of a billing module in communication with the medical emergency database, the billing module receiving data from the demographic audit module. However, this feature is well known in the art as evidenced by Kessler. Kessler teaches a Health Care Payment and Compliance System (HCPACS) (Kessler; Pg. 5, para. 102). Examiner interprets the HCPACS to read on a "billing module." It would have been obvious to one of ordinary skill in the art to add this feature to Sloane with the motivation of simplifying and accelerating the process of providing health care to beneficiaries (Kessler; Pg. 1, Para. 10).

17. Claim 11 repeats the limitations of claim 4 and the reasons for rejection are incorporated herein.

18. As per claim 15, Kessler teaches wherein the billing module is configured to generate a bill based at least in part upon the data from the demographic audit module (Kessler; Pg. 5, para. 102) It would have been obvious to one of ordinary skill in the art to add this feature to Sloane with the motivation of simplifying and accelerating the process of providing health care to beneficiaries (Kessler; Pg. 1, Para. 10).

Response to Arguments

19. Applicant's arguments filed January 21, 2009 have been fully considered but they are not persuasive.

20. Applicant's arguments with respect to the previous prior art rejections have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELLE LE whose telephone number is (571) 272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

4/10/09
/M. L./
Examiner, Art Unit 3686

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686